

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2000-237-E - ORDER NO. 2001-759
AUGUST 17, 2001

IN RE: Borg-Warner Automotive Fuel Systems Corporation,)	ORDER GRANTING
)	MOTION TO DISMISS
)	
Complainant/Petitioner,)	
)	
vs.)	
)	
Duke Power n/k/a Duke Power, a division of Duke Energy Corporation)	
)	
Respondent/Defendant.)	
)	

This matter comes before the Public Service Commission of South Carolina ("Commission") on the Motion to Dismiss filed by Fuel Systems, LLC, successor in interest to Borg-Warner Automotive Fuel Systems Corporation ("Borg-Warner") in the above-referenced matter.

The instant docket was initiated by a Complaint filed on May 10, 2000, by Borg-Warner against Duke Power n/k/a Duke Power, a division of Duke Energy Corporation ("Duke"). In its Complaint, Borg-Warner alleged that Duke threatened Borg-Warner with termination of service unless Borg-Warner installed certain equipment at Borg-Warner's expense. Borg-Warner filed its Complaint and requested a determination of whether Borg-Warner or Duke should bear the cost of the equipment.

By Motion to Dismiss filed on August 2, 2001, Fuel Systems, LLC (“Fuel Systems”), Borg-Warner’s successor in interest, moves to dismiss the Complaint filed by Borg-Warner on May 10, 2000. In April 2001, Fuel Systems acquired Borg-Warner’s Chester plant, including the welding equipment and VAR compensator which are the subject of the proceedings in the instant docket. Fuel Systems, as Borg-Warner’s successor in interest, and Duke have entered into a settlement agreement mutually releasing any and all claims arising out of or connected with Borg-Warner’s purchase of the said VAR compensator. Further, Fuel Systems consents to dismissal of the action with prejudice.

As Fuel Systems, successor in interest to Borg-Warner, the Complainant in this matter, has requested the dismissal of the instant action, the Commission finds and concludes that the Motion to Dismiss should be granted and, further, that the dismissal of this action be with prejudice.

IT IS THEREFORE ORDERED THAT:

1. The Motion to Dismiss filed by Fuel Systems, successor in interest to Borg-Warner, is hereby granted.
2. The dismissal of the instant action is with prejudice .

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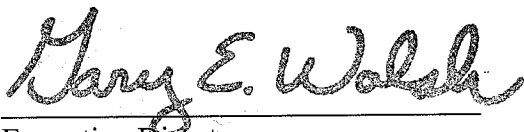
3. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:



Chairman

ATTEST:



Executive Director

(SEAL)